RECENT CASES

ADVERSE POSSESSION—INSTRUCTIONS—PRESUMPTIONS.—LEWIS V. POPE, 68 S. E., 680 (S. C.).—*Held,* that in an action for the possession of land when defendants show adverse possession by themselves and their ancestors for over twenty years, a request to charge that the mere going on the land, while living on another tract, and cultivating a part of it for a few years, or occasionally cutting wood upon it, is not possession from which it can be presumed that there was a deed properly refused.

Possession in order to ripen into a title to land must be actual, continuous, visible, notorious, and hostile to that of the true owner. *Smeberg v. Cunningham,* 96 Mich., 378. Such actual possession of land consists in exercising acts of dominion over it, in making ordinary use of it, and in taking the profits of which it is susceptible. *Webber v. Clarke,* 74 Cal., 11; *Collett v. Vanderbaugh County,* 119 Ind., 27. This domination may consist in a great number of acts, and in the absence of statutes designating certain things as requisites, the law has prescribed no particular manner in which possession shall be maintained. *Adams v. Clapp,* 87 Me., 316; *Eastern R. R. v. Allen,* 135 Mass., 13. In thus determining whether a possession is actual or not, all the circumstances of the case must be considered such as the situation of the parties, the character of the land, and the purposes to which it has been adapted. *Houghton v. Wilhelmy,* 157 Mass., 521; *Bowen v. Guild,* 130 Mass., 121. Ordinarily, however, acts of ownership are sufficient to constitute possession, which are of such a nature as a party would exercise over his own property and not over another's. *Farley v. Smith,* 39 Ala., 38; *Hubbard v. Kiddo,* 87 Ill., 578. Hence, the actual residence of the claimant upon the land has been the most effectual mode of manifesting possession. *Bennett v. Kovarick,* 23 Misc. (N. Y.), 73, and in like manner the improvement of land, reducing it to cultivation, opening up mines, are also regarded as indicating an actual and adverse possession. *Deer Lake Co. v. Mich. Land Co.,* 89 Mich., 180; *Butler v. Drake,* 62 Minn., 229; *Stephenson v. Wilson,* 50 Wis., 95. But the occasional cutting of timber is not alone such evidence of ownership as would amount to possession adverse to the true owner, although there are some decisions to the contrary. *Burks v. Mitchell,* 78 Ala., 61; *Yokum v. Fickey,* 37 W. Va., 762; *Brett v. Farr,* 66 Iowa, 684. Nor do mere acts of trespass upon vacant and uninclosed lands not amounting to an exclusive appropriation thereof and not made under a *bona fide* ownership constitute an adverse possession. *Chicago & N. W. R. Co. v. Galt,* 133 Ill., 657; *Aiken v. Ela,* 62 N. H., 400.

BILLS AND NOTES—RIGHT OF TRANSFEREE—COLLATERAL SECURITY.—GAY V. HUDSON RIVER ELECTRIC POWER CO., 180 FED., 222.—*Held,* that where a company sold goods under a contract, retaining the title until the payment of purchase money notes, the transfer of the notes carried with it the contract in so far as it reserved the title to the goods, as collateral secur-